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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

FOUNDRY NETWORKS, INC,

No. C02-4909 CRB (JCS)

Plaintiff(s),

v.

NORTEL NETWORKS, INC, ET AL.,

Defendant(s).

**ORDER DENYING WITHOUT
PREJUDICE DEFENDANT'S JOINT
REPORT REGARDING STRIKING
SUPPLEMENTAL DISCOVERY [Docket
No. 321]**

On September 9, 2004, Defendant's filed a Joint Report Regarding Striking Supplemental Discovery (the "Motion").

IT IS HEREBY ORDERED that the Motion is DENIED without prejudice to raising the issue before the district judge.

IT IS SO ORDERED.

Dated: September 13, 2004

/s/ Joseph C. Spero
JOSEPH C. SPERO
United States Magistrate Judge